

Remarks

After the undersigned's telephone interview with Examiner Nguyen, the undersigned (assignee's representative) had a brief further telephone conversation with SPE Richard Hjerpe. The undersigned called to discuss with the SPE a concern with the examiner's mode of review of "means plus function" claims. The call proceeded on that subject to apparent mutual satisfaction, and the undersigned looks forward to the next action on the "means" claims.

In addition to that discussion, SPE Hjerpe raised some issues that led to a brief discussion of certain claims, and the SPE promised to review the examiner's work on the dependent claims as well, for which assignee requested independent review. Assignee wishes to secure indications of allowability of all patentable claims, after which an amendment would be presented to turn allowable subject matter into independent form as required. The parties did not discuss each issue open for review or each claim.

In the course of that latter discussion, SPE Hjerpe indicated that claims 2-4, 23, and 31-33, all of which contain various limitations defining a special pitch, would likely be considered patentable, and he also encouraged applicant to submit a further dependent claim related to the specific 5x7 pixel array disclosed in the specification. Applicant wishes to do so, and claim 56 is presented herewith, in the hopes that this would also be allowable for similar reasons.

Assignee thanks Examiner Nguyen and SPE Hjerpe for their oral indications of allowability and hopes that we can proceed to issuance of an office action with indications of allowability of a number of dependent claims. After implementing the decisions made by the examiner, as modified by the SPE, the claim status would be as follows, based on the decisions to which the undersigned has been advised:

Allowed: Claims 26-29.

Objected to but allowable: Claims 2-4, 10, 12, 13, 15-19, 21, 23, 24, 31-33, 36, 37, 39-48, 54, and 56.

Rejected: Claims 1, 5-9, 11, 14, 20, 25, 38, 49, 53, and 55.

Being reconsidered (no firm decision announced): Claims 22, 30, 34, 35, 38, 50, and 51. Of those being reconsidered, claim 22 is the independent “means plus function” claim, and claim 30 is an independent claim involving a fastener at the top, making the invention suitable for use as a Christmas tree ornament. The rest of the claims depend on claim 30 and also have extra limitations, some of which have been argued separately before.

Again, assignee respectfully requests careful reconsideration and allowance.

Please call the undersigned if the Examiner or SPE have any questions or believe it would be fruitful to discuss this matter further to achieve a fair and prompt conclusion to this already delayed application.

Respectfully submitted,

RAPID PROTOTYPES, INC.
by its attorney

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